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Case #18SP071020

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(Privileged information - Privilege asserted: Deliberative Process Privilege)	

(b) (2)
Human Exposure

NUMBER: 18SP071020

DATE SENT TO INSPECTOR: 7/10/2018

DATE REPORT RECEIVED FROM INSPECTOR: 7/24/2018

TYPE OF CASE: Human Exposure

COMPLAINANT: (b) (6)

APPLICATOR: Rupp, Brian

CERT./LIC. # OF APPLICATOR: (b) (6)

NAME OF PESTICIDE: Roundup WeatherMax (glyphosate), Priaxor Fungicide (fluxapyroxad; pyraclostrobin), Acifin 2L (acifluorfen), Tapout (clethodim), Justified, and Zaar

DATE OF INCIDENT: 7/9/2018

SAMPLE COLLECTION NUMBER(S): 4-SP-19 – 11-SP-19

SAMPLE LAB REPORT(S): 18R005590 – 18R005595; 18R005598 – 18R005599

RECEIVED: 8/8/2018

FINDING(S):

<u>Sample</u>	<u>Sample Type</u>	<u>location</u>	<u>Compound</u>	<u>Amount Found</u>	<u>Detection Limit</u>
*Additional active ingredients found but not requested					
4-SP-19	Grass	N Ditch	Acifluorfen	ND	50 ppb
			Aminocyclopyrachlor	114.760 ppb	5 ppb
			Clethodim	<5 ppb	5 ppb
			Fluxapyroxad	ND ppb	5 ppb
			Glyphosate	633 ppb	10 ppb
			Pyraclostrobin	<5 ppb	5 ppb
5-SP-19	Tree	N Side of road	Acifluorfen	ND	50 ppb
			Aminocyclopyrachlor	130.450 ppb	5 ppb
			Clethodim	18.5 ppb	5 ppb
			Fluxapyroxad	5.78 ppb	5 ppb
			Glyphosate	1910 ppb	10 ppb
			Pyraclostrobin	17.7 ppb	5 ppb
6-SP-19	Foliage	S Ditch	*Glufosinate	137.80 ppb	
			Acifluorfen	<50 ppb	50 ppb
			Aminocyclopyrachlor	144.070 ppb	5 ppb
			Clethodim	<5 ppb	5 ppb
			Fluxapyroxad	7.75 ppb	5 ppb
			Glyphosate	1530 ppb	10 ppb
7-SP-19	Lilacs	100 ft to north of road	Pyraclostrobin	12.8 ppb	5 ppb
			Acifluorfen	<50 ppb	50 ppb
			Aminocyclopyrachlor	120.940 ppb	5 ppb
			Clethodim	13.8 ppb	5 ppb
			Fluxapyroxad	5.44 ppb	5 ppb
			Glyphosate	1180 ppb	10 ppb
			Pyraclostrobin	8.42 ppb	5 ppb

8-SP-19	Bush	Close to house	Acifluorfen	ND	50 ppb
			Aminocyclopyrachlor	113.040 ppb	5 ppb
			Clethodim	ND	5 ppb
			Fluxapyroxad	<5 ppb	5 ppb
			Glyphosate	798 ppb	10 ppb
			Pyraclostrobin	<5 ppb	5 ppb
9-SP-19	Clothes	(b) (6)	Acifluorfen	ND	50 ppb
			Aminocyclopyrachlor	ND	5 ppb
			Clethodim	ND	5 ppb
			Fluxapyroxad	ND	5 ppb
			Glyphosate	108 ppb	10 ppb
			Pyraclostrobin	<5 ppb	5 ppb
10-SP-19	Clothes	(b) (6)	Acifluorfen	ND	50 ppb
			Aminocyclopyrachlor	43.310 ppb	5 ppb
			Clethodim	ND	5 ppb
			Fluxapyroxad	<5 ppb	5 ppb
			Glyphosate	222 ppb	10 ppb
			Pyraclostrobin	<5 ppb	5 ppb
11-SP-19	Clothes	(b) (6)	Acifluorfen	ND	50 ppb
			Aminocyclopyrachlor	ND	5 ppb
			Clethodim	ND	5 ppb
			Fluxapyroxad	ND	5 ppb
			Glyphosate	81.6 ppb	10 ppb
			Pyraclostrobin	<5 ppb	5 ppb

SUMMARY:

On July 10, 2018, inspector Sherrie Petersen was assigned to investigate a complaint filed by (b) (6) alleging an adjacent application drifted on her.

Inspector Petersen and I met with (b) (6) and it was stated that on July 9, 2018, at roughly 5:35 pm she was walking her dog and was at the end of her driveway when she felt vapor hitting her in the face. Jackson began to get burning in her throat, eyes, chest and skin.

The soybean field to the south is owned by (b) (6), (b) (7)(C). Records show that on July 9, 2018, from 5:30 pm to 6:15 pm, Brian Rupp (b) (6) applied Roundup WeatherMax (glyphosate), Priaxor Fungicide (fluxapyroxad; pyraclostrobin), Acifin 2L (acifluorfen), Tapout (clethodim), Justified, and Zaar. Rupp indicated that he checked the weather underground weather information and it indicated that the wind was 8 -10 mph out of the ENE. Rupp indicated that he started on the east end of the field and noticed a lady standing on the south side of the road (who was filming), and a man standing on the north side of the driveway. On his last pass Rupp took a wind reading and the wind speed was at 4.1 mph with the wind out of the east. This reading was taken on the north end of the soybean field. (video provided)

- A check of the weather from the Vermillion weather station on July 9, 2018, from 4:56 pm to 5:56 pm indicated the wind was E @ 7 mph.

Inspector Petersen contacted the Clay County Weed Department and it was stated that they did not make any applications near the (b) (6) property. Records provided show that the Weed department did not make an application near the (b) (6) property. The Clay County Weed Department did apply Method 240SL (aminocyclopyrachlor) and Spreader 90.

In conclusion, (b) (6) closed contained Glyphosate and Aminocyclopyrachlor. I cannot conclusively determine how the aminocyclopyrachlor got onto the clothing. Glyphosate was applied by Rupp, but Rupp also applied Acifluorfen, Clethodim which was not detected. Fluxapyroxad and Pyraclostrobin were applied by Rupp but less than what the detection limit was. I cannot conclusively determine if (b) (6) were drifted on or not.

In conclusion, sample results 4 – 8 were found to contain Aminocyclopyrachlor which was not applied by Rupp, but was applied by the Weed department but records show that no applications were made by the (b) (6) property. Sample 5-SP-19, 7-SP-19 were found to contain the actives Clethodim, Fluxapyroxad, Glyphosate, and Pyraclostrobin which was applied by Rupp; however, looking at the wind directions at the time of the application the wind was not conducive for drift. Sample 6-SP-19 was taken on the south side of the road, in the ditch, and sample results were found to contain Fluxapyroxad, Glyphosate, and Pyraclostrobin which was applied by Rupp. I cannot conclusively determine how the damage reached the (b) (6)'s property when wind was out of the east and at 7 mph.

SUGGESTED ACTION BY THE DEPARTMENT:

Recommend - No Action.

SIGNED: J.D. Farley DATE: 8/10/2018